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(c) Removing or attempting to remove, alter or destroy any official mark used to identify a wild horse or burro or its remains unless authorized or permitted by law or regulation.

(d) Violating any terms or conditions specified in a care and maintenance agreement or permit.

[46 FR 33520, June 30, 1981. Redesignated at 70 FR 68291, Nov. 9, 2005]

Subpart B—Prohibitions in Areas Designated by Order

§ 261.50 Orders.

(a) The Chief, each Regional For- ester, each Experiment Station Direc- tor, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of described areas within the area over which he has jurisdiction. An order may close an area to entry or may re- strict the use of an area by applying any or all of the prohibitions author- ized in this subpart or any portion thereof.

(b) The Chief, each Regional For- ester, each Experiment Station Direc- tor, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue or- ders which close or restrict the use of any National Forest System road or trail within the area over which he has jurisdiction.

(c) Each order shall:

(1) For orders issued under paragraph (a) of this section, describe the area to which the order applies;

(2) For orders issued under paragraph (b) of this section, describe the road or trail to which the order applies;

(3) Specify the times during which the prohibitions apply if applied only during limited times;

(4) State each prohibition which is applied; and

(5) Be posted in accordance with § 261.51.

(d) The prohibitions which are ap- plied by an order are supplemental to the general prohibitions in Subpart A.

(e) An order may exempt any of the following persons from any of the pro- hibitions contained in the order:

(1) Persons with a permit specifically authorizing the otherwise prohibited act or omission.

(2) Owners or lessees of land in the area;

(3) Residents in the area;

(4) Any Federal, State, or local offi- cer, or member of an organized rescue or fire fighting force in the perform- ance of an official duty; and

(5) Persons engaged in a business, trade, or occupation in the area.

(6) Any other person meeting exemp- tion requirements specified in the order.

(f) Any person wishing to use a Na- tional Forest System road or trail or a portion of the National Forest System, should contact the Forest Supervisor, Director, Administrator, or District Ranger to ascertain the special restric- tions which may be applicable thereto.

§ 261.51 Posting.

Posting is accomplished by:

(a) Placing a copy of the order imposing each prohibition in the offices of the Forest Supervisor and District Ranger, or equivalent officer who have jurisdiction over the lands affected by the order, and

(b) Displaying each prohibition im- posed by an order in such locations and manner as to reasonably bring the pro- hibition to the attention of the public.

§ 261.52 Fire.

When provided by an order, the fol- lowing are prohibited:

(a) Building, maintaining, attending or using a fire, campfire, or stove fire.

(b) Using an explosive.

(c) Smoking.

(d) Smoking, except within an en- closed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flam- mable material.

(e) Going into or being upon an area.

(f) Possessing, discharging or using any kind of fireworks or other pyro- technic device.